REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on April 15, 2008. At the time the Examiner mailed the Office Action claims 1-29 were pending. By the way of this amendment, 1) amended claims 2, 3, 16, 24, and 25; 2) canceled claims 1, 5, 11-15, 19, 23 and 26; 3) added no new claim. As such, claims 2-4, 6-10, 16-18, 20-22, and 24-25, 27-29 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented in view of the amendments and following arguments and remarks.

The Applicants would like to thank the Examiner for the courtesy extended to the undersigned during the telephonic conversation on September 3, 2008. The amendments and clarifying arguments presented herein are based on inputs received from the Examiner during this telephonic conversation.

In order to expedite the prosecution and take the case to allowance, all claims except the ones found allowable subject to overcoming 35 USC 112 rejections, are being canceled.

Claim Rejections – 35 USC 112, first paragraph

In the Office Action mailed on April 15, 2008, claims 1-29 were rejected under 35 USC 112, first paragraph. Claims 2, 3, 16 and 24 have been amended to overcome this rejection and remaining rejected claims have been cancelled, remaining independent claims have been cancelled. Term "one or more timers" have been replace with the term "a timer." The Office is respectfully requested to withdraw this rejection.

Claim Rejections – 35 USC 112, second paragraph

In the Office Action mailed on April 15, 2008, claims 1-29 were rejected under 35 USC 112, second paragraph. Claims 2, 3, 16 and 24 have been amended to overcome this rejection and remaining rejected claims have been cancelled. The Office is respectfully requested to withdraw this rejection.

The amended claims indicate that the real time is being tracked by a timer in the physical computer. Paragraph [0068] of the Applicants' Specification provides support for this amendment.

The claims recite a virtual computer operating on a physical computer. It is well known in the art that the virtual machines (or virtual computers) are designed to work of a wide range of physical computing systems. For example, among many, one of the reasons behind such a design is to permit execution of an application in a virtual machine that runs on a physical computer that doesn't support the application. To that extent the event generation depends of a particular hardware design, clock speed, availability of physical resources, etc. in the physical computer. Therefore, it is well known in the art that the events which theoretically should occur at the same time may not occur "exactly" at the same time. The events would, however, occur within a narrow range of time, which depends on a particular design, clock speed, resource availability, etc. It is not possible to provide a numerical range because it depends from system to system. It is also well known in the art that the virtual machines would work even when the timing is not exactly the same but that it is substantially the same because the components of a computer system including softwares are designed to handle this narrow range of deviations.

The Federal Circuit has defined "substantially" as having its ordinary meaning of "largely but not wholly that which is specified." (*Ecolab, Inc. v. Envirochem, Inc. 264 F.3d 1358 (Fed. Cir. 2001)*)

MPEP section 2173.05(b) also provides guidance as to a use the term "substantially." As mentioned in this section of MPEP, in *Andrew Corp. v. Gabriel Electronics*, the court held that the limitation "which produces substantially equal E and

H plane illumination patters" was definite because one of ordinary skill in the art would know what was meant by "substantially equal."

In *Verve LLC v. Crane Cams Inc.,* 311 F.3d 1116, 65 USPQ2d 1051, 1053–54(Fed. Cir. 2002), the court ruled that it is well established that when the term "substantially" serves reasonably to describe the subject matter so that its scope would be understood by persons in the field of the invention, and to distinguish the claimed subject matter from the prior art, it is not indefinite. Understanding of its scope may be derived from extrinsic evidence without rendering the claim invalid. The question is not whether the word "substantially" has a fixed meaning as applied to the claim language in question, but how the phrase would be understood by persons experienced in this field upon reading the patent documents. Persons experienced in a technological field may, of course, have divergent opinions as to the meaning of a term, particularly as narrow distinctions are drawn by the parties or warranted by the technology. Patent disputes often raise close questions requiring refinement of technical definitions in light of particular facts. The judge will then be obliged to decide between contending positions; a role familiar to judges. But the fact that the parties disagree about claim scope does not of itself render the claim invalid.

Chesum summarizes this matter this way – So long as the claim element being modified does not require a precise edge or dividing line (the speed of sound is not substantially anything, it is precisely 333 meters per second at sea level), the patentee is better served by giving the claim element some degree of imprecision or fuzziness at its edge or limit.

As explained above, the functioning of the computer does not require that the events in question occur at "exactly" the same time. This is why the term "substantially" has been used in the Specification quite liberally. Because a computer handles tasks on a time sharing basis, a particular response time is not guaranteed. However, the response remains within a narrow range of time.

Therefore, the Applicants respectfully submit that a user of word "substantially" does not render the claims in question indefinite and respectfully request the Office to withdraw the rejection.

CONCLUSION

The Applicants respectfully submit that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If there are any additional charges, please charge Deposit Account No. 50-2652 (Order No.A42). If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact the undersigned at 650-427-3096.

Respectfully submitted,

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